

THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

BUNGIE, INC.,

Plaintiff,

v.

AIMJUNKIES.COM; PHOENIX
DIGITAL GROUP LLC; DAVID
SCHAEFER; JORDAN GREEN;
JEFFREY CONWAY; and JAMES MAY,

Defendants.

No. 2:21-cv-811-TSZ

**[PROPOSED] ORDER GRANTING
PLAINTIFF BUNGIE, INC.'S MOTION
FOR SUMMARY JUDGMENT**

THIS MATTER came before the Court for hearing on Plaintiff Bungie, Inc.'s ("Bungie") Motion for Summary Judgment ("Motion"). Now, having reviewed the parties' briefing, declarations, and exhibits attached thereto, it is hereby ORDERED that Bungie's Motion is GRANTED. It is further:

ORDERED that judgment is entered in favor of Bungie and against Defendants AimJunkies.com, Phoenix Digital Group LLC, David Schaefer, Jordan Green, Jeffrey Conway, and James May (collectively "Defendants") on Bungie's first cause of action for copyright infringement, 17 U.S.C. § 501, *et seq.*, of Bungie's software code and audiovisual copyrights in *Destiny 2* (Reg. Nos. TX 8-933-658 and PA 2-282-670) and *Destiny 2: Beyond Light* (Reg. Nos. TX 8-933-658 and PA 2-280-030);

[PROPOSED] ORDER
(No. 2:21-cv-811-TSZ) – 1

Perkins Coie LLP
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Phone: 206.359.8000
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1 ORDERED that judgment is entered in favor of Bungie and against Defendants
2 AimJunkies.com, Phoenix Digital Group LLC, David Schaefer, Jordan Green, and Jeffrey
3 Conway on Bungie's second cause of action for trademark infringement, 15 U.S.C. § 1114;

4 ORDERED that Bungie is awarded statutory damages of \$300,000 against all
5 Defendants, jointly and severally, pursuant to 17 U.S.C. § 504(c) for their willful infringement of
6 Bungie's registered copyrights in *Destiny 2: Beyond Light* (Reg. Nos. TX 8-933-658 and PA 2-
7 280-030);

8 ORDERED that Bungie is awarded statutory damages of \$300,000 against Defendants
9 AimJunkies.com, Phoenix Digital Group LLC, David Schaefer, Jordan Green, and Jeffrey
10 Conway, jointly and severally, pursuant to 15 U.S.C. § 1117(c) for their willful infringement of
11 Bungie's registered DESTINY (& design) mark (U.S. Reg. No. 4,321,315);

12 ORDERED that Bungie is awarded its attorneys' fees and costs as the prevailing party
13 pursuant to 17 U.S.C. § 505 and because this is an exceptional case pursuant to 15 U.S.C.
14 § 1117(a), and that, within 21 days of this order, Bungie shall submit a declaration accounting
15 for its attorneys' fees and costs expended in connection with this case; and

16 ORDERED that Bungie's request for a permanent injunction against Defendants is
17 GRANTED in the form issued herewith.

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20 **IT IS SO ORDERED**

21
22 DATED this _____ day of _____, 2023.
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26

[PROPOSED] ORDER
(No. 2:21-cv-811-TSZ) – 2

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Honorable Thomas S. Zilly
UNITED STATES DISTRICT JUDGE

Presented by:

/s/ William C. Rava

William C. Rava, WSBA No. 29948

Christian W. Marcelo, WSBA No. 51193

Jacob P. Dini, WSBA No. 54115

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[PROPOSED] ORDER
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